App. F. IX-4

1925.6

File No. 135-25

Previous References (Geol)

Geol. 135-25 84.6,6.12, 13, 21-32, 39+40.

Serial Nos. 41, 43, 44, 45, 46+47.

Later References

Geol. 97.26 & 1-5

135-25 (49-59)

preserve

37

General and Revenue Secretariat.

Serial Nos.

Part B for march 27

SUBJECT

Final acqsn of lands for the working of Bygrafuer chrome mines.

&.47. No. D.7329 of 6.3.27.

To The Dy: Comr. Hassan

Requests him to arrange to hand over the lands acquired for the Bygrafuer chrome mines to the possession of the Supdt., chrome mines.

REPLY

(To be written on this margin.)

IMMEDIATE

OFFICE OF THE SECOND MEMBER OF COUNCIL. 28 JAN. 1927 No. 307

OFFICE OF THE SECOND MEMBER OF COUNCIL.

NOTE

Dated 28th January 192 7.

6) I understand that the work of acquiring the Byrapur mining area has not yet been completed. Another communication may be addressed to the Deputy Commissioner, Hassan, to have the work expedited.

4638

Secretary, Development Departments, with compliments.

28/1/27

7) Returned

28/1/27

REPLY

OFFICE OF THE
SECOND MEMBER OF COUNCIL,
28 JAN. 1927
No. 307

OFFICE OF THE SECOND MEMBER OF COUNCIL.

(To be written on this margin.)

IMMEDIATE

NOTE

Dated 28th January *192* 7.

4638

6) I understand that the work of acquiring the Byrapur mining area has not yet been completed. Another communication may be addressed to the Deputy Commissioner, Hassan, to have the work expedited.

Secretary, Development Departments, with compliments.

28/1/27

7) Rutherford

28/1/27

WD 01229—GPB—37,500—1-9-26

General and Revenue Secretariat | Encl File No. 135 | of 192 5

Serial No.	
	8) Draft subd. - Copies 6 to 7 of notes
	29/1.27 9) A report has been called for the Dept Com just now, that the acq" proceedings has been completed - Please put up, with a dft reply the add cash of acquisition -
	UO 31/1
43	From the Dy: Comd. Hussain No. A. 5 - L. A. - 1 of 26-27 of 28/1/27. forwards Progs. relating to the acquisition of lands at Byrapur & Hullundelli together L. A. officers and requests sanction of Govt. to meet the expenditure, viz. Rs. 2405-2-6, towards the Cost of acquisition of the amount of Rs. 60,000/- Sanctd. as advance for working the Estate.
	10) Subd. with draft.
	31.1.27. 11) Please type dft
	UO 1/2
	12) Typed draft subd.
	13) Dft reply subd for appr
	4/2/27 Sec[y] D) UO 2/2
2/2	2d Member 14) Rtd for information
	UO 2 2 27
	UO 3/2

OFFICE OF THE SECOND MEMBER COUNCIL
3 FEB. 1927
No. 527

Seri No.

15) There are two points to be considered. The Land Acquisition Officer has awarded a compensation of Rs 150 as the "value of chrome powde and spoil on the land". Any claim to the value of chrome powder or chrome ore left on the land is untenable as it was the condition of the license for mining ore in this area that whatever quantity of ore was not ~~xxxx~~ removed within the period allowed, would become the property of Government. I believe recently Mr. Oakley submitted a representation requesting that he might be allowed to remove chrome powder of about 1,000 tons—which, he stated, was in the area covered by the lapsed liecense. This request was refused. The Land Acquisition Officer does not apparently know that the party has no right to the ore lying on the land. Please let me know what is the authorised procedure for bringing this to the notice of the Land Acquisition Officer and asking him to revise his award.

yes. Geol. file 160-25 sl. 13. linked (Flag W. para 2.4)

0

16) A sum of Rs 1,156-4-0 has been awarded as 25 years assessment payable to the Revenue Department. I want to know whether this adjustment should necessarily be made now alone. It has not been finally decided that the lands now acquired should, for all time, be used for minin purposes. The intention is to carry out some mining work for some time before deciding whethe the operation should be continued for a longer period or not. I want to know whether in view

NOTE—Contn. Sheet

Seri No.

of the position that it has not been decided to reserve permanently this area for mining purposes alone, it is necessary to ~~xx~~ afford adjustment

(2) credit to the Land Revenue Department on account of the capitalised value of assessment.

(3) It is necessary to settle this matter promptly and the information required on the two points referred to above may be furnished very early.

(Sd) 4/11/27

(1) Ld Ld Secy pr favour of his opinion

AT
4-12-27

(4) 4/V

A. (2) In respect of the sum of Rs 150 awarded for the value of chrome powder + spoil on the land, I am of opinion that it is within the province of the Land Acq. officer to make an award in respect of any moveable property lying on the land to be acquired unless it is one which is attached to the earth + that he has only to fix the market-value of the land to be acquired.

(3) In this view of the case D.C whom he has to give instructions to the L. Acq. officer under rule XIV of the Rules under the L.A. Act 1894, may be asked to give necessary instructions to L. A. Offr to omit this item from the award.

(4) He may also be asked to give suitable instructions regarding the other points

T

NOTE—Contn. Sheet

Serial No.

raised by the members.

Deo stat
with compts.

8/2

7/2

22) Subd for perusal & orders — The Dep^{t} Comr will be written to, accordingly, if appd.

WP 7/2

Second M^{r})

WP
7/2/27

23) I agree. Sanction may be conveyed to Dc's proposal subject to the two alterations suggested above. Let orders issue very early

WP
7.2.27

WP
7/2/27

24) The HDO does not seem to have passed a final award, but to have only stated the award he proposes to pass. The Dy Comr should ask the Dy Comr's instructions evidently under rule XIV.

25) Please put up Dft of a letter to the Dy Comr pointing out that no compensation is due for chrome powder, & that the question of credit for the capitalised valuation assessment of the Rev Dept need be taken up only after the closing of the mining operations, if it is found that the land has been rendered permanently unfit for cultivation.

WP
8/2/27

WP
9/2

NOTE—Contn. Sheet

4663. 7

WD 01226—GPB—37,500—14-26

General and Revenue Secretariat | Revl File No 135 of 1925.

Serial No.

26) Subd. with a letter dated 9.2.27.

27) Dft letter for consn. Secy D)

28) 2d Member)

29) Issue

To,

D.C. Hassan

No. 6465-49. 10/2/27

States that no compensation is due to the company as the ore has already become the property of Govt & returns the copy of the award order for modification according to Rules.

30) No reply has yet been received from D.C. Hassan.

31) A draft reminder is therefore subd.

23/2/27. 32) Issue

Reminder issued. No. D. 7097 dt 23/2/27

OFFICE OF THE SECOND MEMBER OF COUNCIL 9 FEB. 1927 No. 5388

DEVELOPMENT BRANCH.

Note. Contn. Sheet

4663 s-863

8

WD 01225—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat

Ecl File No 135 of 1925.

Serial No.

45 From the Dy. Comr. Hassan
No. L. A. 1/26-27 dt 24.2.27
forwards ~~inter~~ award order and requests sanction of Govt. for payment of Rs. 1076-6-5

3) Necessary alterations have been made in the draft already with file & ij- copied. The same issue.

26.2.27. 3) Dft altered, submitted

Sec'y D)

26/2/27

2nd Member)

26-2-27

3) Issued

28/2

1.3.27

3) Issue book

1/3

1-3-27

46. To the Dy. Comr. Hassan
No. D. 7319-21/Ecl. 131-25-46 dt 3/3/27.
directs that the cost of acqn. etc. amounting to Rs. 1076-6-5 be met from the provision of Rs. 60,000/- sanctd. as advance for working the Byrapur Chrome mines.

OFFICE OF THE SECRETARY TO GOVERNMENT IN COUNCIL
28 FEB. 1927
No. 5843

Ecst no. 25 9

REPLY

(To be written on this margin.)

OFFICE OF THE SECOND MEMBER OF COUNCIL.

NOTE

Dated 3rd March *192*7.

OFFICE OF THE SECOND MEMBER OF COUNCIL
5 MAR. 1927
No. M-339.

337 A copy of the order sanctioning the amount required for the acquisition of the Byrapur Chrome Mines may be sent to the Director of Geology. Prompt action may also be taken in consultation with the Deputy Commissioner to permit the Geological Department to take possession of the land and do mining work there.

D 5657

FEV. SECRETARIAT
DEVELOPMENT BRANCH.

Secretary, Development Departments, with compliments.

(Mule 3/3/27

337

3/3

5857 (10

WD 01229—GPB—37,500—1-9-26

App. F. III—2]

General and Revenue Secretariat | Ecol File No 135 of 1926.

Serial No.	
	Refee: - Para 37 of rules.
Sub^d for formal.	36) Copy of E.O. No. D. 7919-21 of 3.3.27 has been sent to the DG: Coord & the Dir. of Ecol.
	37/3/27. 39) Dft for appl
	Sec'y D) Issue round by 4/3 UP
	40) Member for info
	41) This must be issued today. 4.3.27 UP 4/3
47	To the DG: Coord. Hassan No. 7329 of 4.3.27. Requesting to arrange Govt over the possession of the lands to the Expert. By proper mines to enable him to start mining operations without delay. To the Expert. By proper Govt mines. No. 7330 of 4-3-27 forwards copy of the above To the Dir. of Ecol. No. 7331 of 4.3.27 forwards copies of the above.
	Refee: - Para 40 of rules.
	42) Issued. MG 4/3/27. 43) Sub^d for perusal after issue Secy M) UP 4/3
	MG 5/3/27 UP 7/3

OFFICE OF THE SECRETARY OF COUNCIL 4 MAR 1927 No. S933

REVENUE BRANCH

NOTE- Contd. Sheet

APP. F. VI. GI.]

SUBJECT.....

.....

.....

Section Genl

File No.

Serial No. R.

Diary No. of letter replied to.....

D.O No. D. 5536 Dt 18/1/27

To

.....

General and Revenue Secretariat

( )

the *192*

Date of issue 18.1.27

Signed by M C Rasalu

Dear Sir

In inviting Your attention to D.O. No. D. 5343-6/Genl. 135-28-39 dt 12-1-27 stating that the cost of acquisition of lands required can be met from the amount of Rs. 60,000/- sanctioned as advance for working the Bijapur Chrome block I am desired to request You to kindly expedite the submission of a report in the matter showing the progress made

List of enclosures.....

Copied by.....

Examined by.....

over

√

so far as regards the
acqsn & lands required
for the purpose.

Yours sincerely

[illegible]
17.1.23.

20

R. Narasimhaiah Esq. Esqr:
Dy: Comr. Kaira

20/.

√

so far as regards the
acqsn of lands required
for the purpose.

Yours sincerely

RDO
17.1.27.

20

R. Narasimha Rao, Esq.

Dy: Collr. Kasaragod

10.

R.Nanasamy Rao, Esq.,
Deputy Commissioner.

4453

3

GEN. & REV. SECRETARIAT.
24 JAN. 1927
DEVELOPMENT BRANCH.

M.L.A 1/26-27

4184

Hassan,
19th January 1927.

Geol. 135-25-41.

Dear Sir,

With reference to your Demi Official letter No. D. 5536/Geol. 135-25 dated the 18th instant requesting me to -- expedite the submission of a report showing the progress made so far as regards the acquisition of lands required for working the Byrapur Chrome Block in the Chennarayapatna Taluk, I write to inform you that the Sub Division Officer, Holenarsipur Sub Division has reported in his letter No. L. A.3/26 - 27 dated the 12th instant that the case which was posted for enquiry on the 11th instant, was adjourned to the 22nd - -- instant as Mr. B. Sreenivasa Iyengar, Advocate for Mr. Oakley Bowden and Co., presented an application requesting for time to file statements. He promises that the enquiry will be -- completed on the 22nd instant and that after inspecting the - spot soon after the enquiry the acquisition proceedings will be closed. He will be requested that the enquiry should not be unnecessarily put off or prolonged and that he should at any rate complete the proceedings and pass an award on the - 22nd instant and submit a report as to the lands having been taken possession of. A further communication will be made to you after hearing from him soon after that date.

Yours sincerely,

b. Ranganatha Rao

For Deputy Commissioner,
Hassan Dr. (absent from H.Q. Quarters).

C. RANGANATHA RAO SAHEB, Esq., B.A., B.L.,
Secretary to Government,
Development Departments,
Bangalore.

Shown to member. Put up with file
Rao
22.1.27

W
22/1

Geol. 138-26-43 4

A.5-L.A.1/26-27.

OFFICE OF THE DEPUTY COMMISSIONER,

HASSAN DISTRICT.

Dated Hassan, the 28th January 192 7.

4359

GEN. & REV. SECRETARIAT. 4663 21 JAN 1927

FROM

R. Nanasamy Rao, ESQUIRE, DEVELOPMENT BRANCH,

DEPUTY COMMISSIONER, HASSAN DISTRICT.

TO

C. Ranganatha Rao Saheb, ESQUIRE, B.A., B.L.,

SECRETARY TO THE GOVERNMENT OF H. H. THE MAHARJA.
OF MYSORE, ~~REVENUE~~ DEVELOPMENT DEPARTMENT, BANGALORE.

SIR,

Subject.

Acquisition of certain lands at Byrapura and Hullenahally villages, Anati Hobli, in the Chennarayapatna Taluk for operating upon the chrome mines.

In continuation of my Demi Official letter No. L.A. 1/26-27 dated the 20th instant on the above subject, I have the honour to forward herewith copy of letter No. L.A. 3/26-2 dated the 25th January 1927 from the Sub Division Officer, ~~Hole Narsipur~~, Hole Narsipur Sub Division together with copy of the award order and a bill for the amount of compensation received with it, and to state that, from the bill, it will be seen that the Sub Division Officer has awarded Rs. -- 1248-14-~~3~~ towards compensation payable to the parties and Rs. 1156-4-0 towards the 25 years' assessment as the acquisition of the lands is for the productive works by the Geological Department. The amount of compensation awarded exceeds the amount as originally estimated by the Amildar on a local enquiry by Rs. 731-6-5. The Sub Division Officer has -- inspected the spot and after examining all the available records, has passed an award order for this amount for the reasons stated therein. The award is in my opinion fair and may be paid.

2. I therefore request that sanction of Government

May

may kindly be obtained to meet the sum of Rs. 2,405-2-5 as particularised in the bill towards the cost of the - acquisition, out of the amount of Rs. 60,000/- sanctioned as advance for working the Byrapur Chrome block.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Hassan District.

pvg

Letter No. L.A.3 of 26-27 dated 25th January 1927 from the Sub Division Officer, Hole Narsipur Sub Division to the Deputy Commissioner Hassan District.

I have the honour to submit herewith a copy of the award order which I propose to pass in L.A. case No. 3 of 26-27 on the file of my court. I beg to be favoured with instructions if any in the matter at a very early date.

2. In order to expedite matters, I have also enclosed a bill for Rs. 2405-2-5 for compensation and value of 25 years' assessment In case you approve of the proposed award order you may kindly pass the bill and make it payable to me at the Chennarayapatna Taluk Treasury. I will be camping in Chennarayapatna Taluk till the 31st instant and if the bill is received within that time, I hope to be able to finish the acquisition before I return to Head Quarters.

"copy"

For Deputy Commissioner,
Hassan District.

pvg

Immediate

No. D.6465 dt 10/2/27
Confdl
135-25 K.44

To

The Deputy Commissioner,

Hassan.

Sir,

With reference to your letter No.A.5/L.A. 1-of 26-27 dated 28th January 1927 forwarding a copy of letter dated 25-1-27 from the Sub Division Officer, Hole-Narsipur Sub Division, ~~xxxx~~ together with a copy of the award order proposed to be made by him in connection with the acquisition of certain lands required for working the Byrapur Chrome mines, I am directed to invite your attention to para 4 in page 17 of the award, ~~directing that~~ (enjoining & fixing) Messrs. Oakley Bowden & Co. ~~may be given~~ a compensation of Rs.150/- ~~towards~~ (for) the ~~value of~~ chrome-spbil and powder lying on the block in question, and to state that no compensation is due to the Company on that account, as the ore, besides being moveable property and as such outside ~~of~~ the purview of the Land Acquisition Regulation, has also been forfeited and ~~become~~ (declared & have become) the property of Government ~~very much~~ (at a date) ~~earlier than~~ (prior to that) the acquisition proceedings, ~~now in progress.~~

10.2.27
Meeting with Mr N.R.Rao

2) As regards the capitalised value of assessment to be credited to the Revenue Department, I am directed to state that the question may be taken up ~~only some time~~ later if it is found that ~~owing to~~ (in consequence of) these mining operations, the land has been rendered permanently unfit for cultivation.

3) The copy of the award order is therefore, returned under Rule 14 of the Rules under the Land Acquisition Regulation, ~~for issuing necessary instructions to~~ (You may instruct) the Sub Division Officer to ~~omit~~ (amend) the ~~value of the above items in the~~ (proposed) award ~~and re-~~

with the request that you may call for the Parle.

by omitting the compensation for chrome spil.

~~submit for the information of Government~~ A re-
award
vised and final/ order may be sent for the information Govt

I have etc.,

Secretary to Government,
Development Departments.

BRS

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Immediate

Section

File No.

Serial No.

No. D. 7091 & 23/2/27

Diary No. of letter replied to.....

To

The D.C. Coast.

Hassan

General and Revenue Secretariat

( )

the *192*

Sir,

I am directed to invite your attention to this office no. D. 6468/Genl. 135-25-Leg dy 10.2.27 re acqn of lands required for working the Byrapur Chromite Mines and to request that the revised & final award order referred to therein may be sent. ~~Sanction~~ by return of Post.

Date of issue 23.2.27

Signed by W. Vijayaraghavachariar

List of enclosures.....

I have the honour

to be

Sir

Your most obedient

servant

Copied by.....

Examined by.....

Sec. 23/2

Dep. Secy

over

10

L.A.1/26-27.
And. Three.

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 24th February 1927.

From Immediate

R. Panasamy Rao, Esq.,

Deputy Commissioner,

Hassan District.

5883

GEN. & REV. DEPARTMENT
26 FEB. 1927
DEVELOPMENT BRANCH.

Gen. 135-26-45.

To

N. Rama Rao, Esq., B.A., B.L.,

Secretary to Government,

Developement Departments,

Bangalore.

Sir,

Subject.

Acquisition of certain lands at Byrapura and Hullenahalli Villages, Anathi Hobli in the Channarayapatna Taluk for operating upon the Chrome mines.

Adverting to your letter No.D.6465/Geol.135-25-44 dated the 10th February 1927 on the above subject, I have the honour to state that as instructed in your letter under reference, the award order has been revised and a bill for Rs.1076-6-5 being the amount of compensation payable to the parties has been submitted by the Land Acquisition Officer and Sub Division Officer, Holenarasipur. The revised award order together with the bill received with the Sub Division Officer's memo No.L.A.3/26-27 dated 21st February 1927, is herewith submitted for favour of information.

I request that orders of Government may kindly be obtained for payment of Rs.1076-6-5 as per revised award, the bill being made ~~payable~~ payable at the Channarayapatna Taluk Treasury as desired by the Land Acquisition Officer.

I have the honour to be,

Sir,

Your most obedient servant,

DEPUTY COMMISSIONER,
Hassan District.

P.S.A.

Letter No. D. 6465/Geol. 135-25-44 dated 10th February 1927 from the Secretary to Government, Development Departments, to the Deputy Commissioner, Hassan District.

With reference to your letter No. A. 5/L.A. 1 of 26-27 dated 28th January 1927 forwarding a copy of letter dated 25th January 1927 from the Sub Divisional Officer, Hole Narsipur Sub Division together with a copy of the award order proposed to be made by him in connection with the acquisition of certain lands required for working the Byrapur Chrome mines, I am directed to invite your attention to para 14 in page 17 of the award proposing to give Messrs. Oakley Bowden & Co., a compensation of Rs. 150/- for the chrome spoil and powder lying on the block in question, and to state that no compensation is due to the Company on that account, as the ore, besides being moveable property and as such outside the purview of the Land Accuisition Regulation, has also been forfeited and declared to have become the property of Government at a date prior to that of the acquisition proceedings.

2. As regards the capitalised value of assessment to be credited to the Revenue Department, I am directed to state that the question may be taken up later if it is found that, in consequence of these mining operations, the land has been rendered permanently unfit for cultivation.

3. The copy of the award order is therefore returned with the request that under Rule 14 of the Rules under the Land Acquisition Regulation, you may instruct the Sub Divisional Officer to amend the proposed award by omitting compensation for chrome spoil. A revised and final award order may be submitted for the information of Government.

Memo No. A.4-L.A.1/26-27. Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 12th February 27

Gl. 8608.

One: one file

Copy forwarded to the Sub Division Officer, Hole Narsipur Sub Division and Land Acquisition Officer for information. He is requested to amend the proposed award order on the lines indicated above and forward a copy of the final award order for submission to Government.

2. The enclosures is returned herewith.

15/2/27

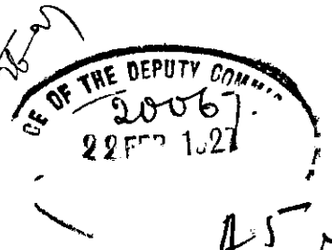
B. Venkatarao

for Deputy Commissioner,
Hassan District.

IV
L A No 3 of 26.07

Memo

In submitting herewith the Award order revised as per instructions overleaf and the bill for the amount of Compensation to be paid with reference to the above order, I have the honor to request that the bill may kindly be countersigned and made payable at the Chenoy agitation Calcutta Treasury.



Subdivisional Officer
&
L A officer 21/2/27.

Sewer

In the Court of the Assistant Commissioner and Land Acquisition Office Hosamarapur

Sub Division Hassan

L.A Case No 3 of 26-27

AWARD

As ordered in Government Order No D.3850-3/Rev 135-25-31 dated 1.12.26 sanctioning the acquisition of A & G in S.No 80, Hullenahalli village (of the village) for Operation upon Chrome mines, & S.Nos. 17, 18, 19, 20 & 21 Bhairapur Village Chennagiripura Hobli) I pass the following award in settlement of compensation to be given to the said lands after duly inspecting the spot, obtaining statements of the persons interested and making local enquiries —

2. The lands were declared as required for a — public purpose in Govt Notification No D 3854/Rev 135-25-32 dt 1.12.26. This Notification was published in the Mysore Gazette of 9.12.1926 Part II P. 527. Copy of the G.O sanctioning the acquisition was received on 5.12.26.

3. Notices as required by the legal rules were issued on 12.12.26. — The fact of acquisition was published in the villages concerned and in the neighbouring villages of Kalkehalli, Kenchalu, Ainathi & Narile. The Owners of the lands were duly served with notices. Mr. Manicklanchu Mudaliar sent his statement on 10.1.27 and the statement of Mr. C. B. Oakley, Attorney for Messrs Oakley Bowden and Co, was received on 22.1.27 through his Counsel, Mr. Advocate Belur Sreenivasa Iyengar. — The Khatedar of S.No 17

Bhairapur village, was served with notice and his son Kempa gave a statement on 11.1.27, his father being too old to move. The lands were inspected by me on the morning of 24.1.27, the intimation of such inspection having been previously given. The Spl. Officer of the Geol. Deptt Dr. B. N. Venkatarangaiya was with me during inspection. — The door chest records pertaining to the grant of S. Nos. 80 of Hullenahally, and of 18, 19, 20 & 21 of Bhairapur were perused. —
The village accounts were looked into. — The reference from the Sub Registry Office at Chennagapatna, about the market value of lands in these villages as recorded in the office books was received.

4. The lands now notified for acquisition form one compact area on the crest and northern slope of a gently rising ground. It forms a part of what is known as the Bhairapur Chrome Block which Government now want to work. S. No. 17 which is in the centre of the area is owned by Mr. Manickavelu Mudaliar, he having purchased it from the Khatedar Bira some years ago.

5. Mr. Manickavelu Mudaliar sent with reference to the notice issued to him, a

Copy of his letter addressed to the Secretary to Govt. Rev: Deptt. — In this he says that he purchased the land for mining of Chrome, that the land is absolutely unfit for cultivation, that he has developed the neighbouring mining area (Bhattarahalli block), that he was the first applicant for a mining licence over this land, and that therefore he has no objection to the Govt. acquiring the land for mining purposes provided Govt. grant to him one third share in respect of the Chrome ore removed from this land. — Mr Oakley in his statement says: — "1. That the purpose namely Chrome mining for which the lands in question are sought to be acquired is not 'public purpose'// 2. That further the action of the Govt. under Sec. 16 of Land Acqn. Regulation is ultra vires.// 3. The Claimants not having been given the first refusal of mining the Chrome on the lands in question, the acquisition of the same by Govt. is illegal and is inequitable// 4. Should however it be found, that the action of the Govt. is legal — the claimants estimate the compensation he (sic) is entitled to as hereunder — despite the fact that he has, as a matter of fact, spent more: — a Value of the lands in question Rs. 6408-6-

(b) b Value of the buildings thereon the lands - 2,555-2-2

c Value of excavations and exploratory pits, representing about 300,000 Cubic ft. of work in stone at Rs. 60/- per 1000 Cft - 18,000-0-0

d the Value of 1000 tons of Chrome powder and shoil on the land at Rs. 5 per ton. ——— 5,000-0-0

e Cost of preliminary investigation - 3,000-0-0

f Roads — ——— 2,500-0-0

g Expenditure incurred in making the lands specially and uniquely adaptable as a base for mining industry of Chrome ore in the Mysore State ——— 1,500-0-0

h the Value of good will of the Chrome mining business arising from the lands in Question ——— 60,000-0-0

Total Rs. 98,963-8-2

Wherefore the claimant prays that the aforesaid Amount of Rs. 98,963-8-2 be given as Compensation, if the claimants themselves are not allowed to do the mining themselves."

6. The first of Mr. Manickavelu Mudaliar's Contention is that he is entitled to the Chrome mined from his land; he says he is prepared for the acquisition if he is given $\frac{1}{3}$ share in the Chrome ore. Mr. Oakley's Contention is that Govt. cannot

legally acquire land for mining purposes; if they still want to acquire, a Compensation of Rs. 98.963. 8. 2 will have to be paid.

7. To begin with, Mr. Reddi's Argument that the action of Govt in acquiring the Lands is not warranted, will be discussed. The declaration of intended acquisition under Sec. 6 of the L. A. Regn is under sub-section (3) of the said section, conclusive evidence of the fact that ~~that~~ the lands are needed for a ~~Pu~~ public purpose. Moreover in the present case, the Compensation to be paid comes out of public revenues and so no objection can be raised under the proviso to Sec 6(1) to the proposed acquisition. Again the applicability of the Land Acquisition Regulation in the present case comes well in the purview of Proviso (2) to Sec. 38 L. R. Code; and according to this section, "the right to all precious metals, precious stones, Coal and other minerals to be extracted by any process of Mining from any lands whatsoever, shall vest absolutely in the Govt and the Govt shall have all the powers necessary for the proper enjoyment or disposal of such rights", except in cases where specific

rights to the same are expressly given away under any grant or other instrument of transfer. In the present instance, no specific grant or transfer of rights to Chrome which is a valuable mineral, is claimed or proved. — In para 2 of Mr. Cahill's statement, it is said that action of the Govt. under Sec. 16 L. A. Regn. is ultra Vires. When Govt. have as shown above all the powers necessary for the enjoyment of the rights to the Chrome in these lands, it is not apparent how the consequential and very necessary power to take possession after an award is made, which possession vests the lands absolutely in the Govt., free from all encumbrances, provided in Sec. 16 L.A. Regn. Can be ultra Vires. Sec. 16 provides a rule as to the stage at which possession can be taken over (except in special cases of urgency for which action as prescribed in Sec. 17 has to be taken) and indicates the result of such taking over of possession. It is only if there is no public purpose as contended in para 1 of the statement, that the consequential taking over of possession under Sec 16 Can

be styled as ultra vires. but as shown above, that former contention cannot be made in this case; and least of all — before the acquisition officer, to whom the declaration under sec 6 is conclusive evidence of the public purpose mentioned, Can such a contention be raised.

8. In para 3 of Mr. Oakley's statement, the point is raised that "the claimants not having been given the first refusal of mining the chromite on the lands in question, the acquisition of the same by Govt. is illegal and inequitable." — It has to be noted that in making this statement, Mr. Oakley admits the right of Govt to the chromite in the land; only he wants the first refusal of mining the chromite to be given to him. It is not understood why this right is advanced as it is not supported by any contract or condition of holding, between him and the Govt. — It is only the holder of a prospecting license who during the ~~term~~ from of the said license, can lay claim to the grant of a mining license

20 within the area. (Vide rule 17, Rules for grant of prospecting licenses, P. 140 Volume III Mysore Rev. Manual) — Mr. Oakley can lay no claim to the first refusal in the absence of any current subsisting license for prospecting for chrome on his lands. Hence the ~~argument~~ argument that the acquisition is illegal and inequitable because he has not been given the first refusal of the right to mine chrome in his lands cannot be supported. —

9. Both Mr. Manicharcha Irudaliar and Mr. Oakley claim rights to the chrome in the land, though the Collr. implicitly admits as noted in para 8 above that, in claiming the first refusal of the right to mine chrome. Govt. have undoubted rights to offer ~~to~~ him the said first refusal Mr. Manicharcha Irudaliar says that he purchased the land in question expressly for mining purposes. The deed is not produced but it can be said that the Vendor who himself had no rights to mine, both under the Cardinal principle of the Revenue Law re minerals embodied in Sec. 38 L R Code and because he had no mining license for Chrome, could transfer such

rights to the purchaser. The consideration of the purchase was only a Seventh. two hundred and thirty. According to the Vendor's Son. Surely if the Vendor had such valuable rights which he could transfer to the purchaser Mr. Manicka. value Mudaliar as would enable the latter to advance a claim to one third or, the consideration that would have passed for the right to mine in an area of 3 acres 36 cuntas of land for Chrome, would have been Many, Many times Rs. 230/-, instead of being that Amount alone. Mr. Manickam Mudaliar in shaping his affairs, might well have had this use of the land in view while purchasing the land; but this idea of his cannot in the least support his claim to $\frac{1}{3}$ share in the Chrome in the Area. Likewise his having developed his neighbouring block, is no argument for a claim for preferential treatment; in fact it may be turned the other way in favor of Govt — it can be said that being the successful mining magnate that he is on the neighbouring block, he might in all fairness, not mind the present small area

of his Notified for Acquisition.—
Anyhow this contention of his cannot be
legally or legitimately advanced.
Mr. Manicharelu Mudaliar has stated
that he was the first Applicant for a Mining
License for the land in question. In
the statement he has not given the
date of such an application. Evidently
he refers to the Application for a Pros-
-pecting License made by Mr. Sundara
Swamy Mudaliar and rejected by
Govt in their order No. G. 11726/Geol 82-17-5
of 23/2/1918, granting a temporary license
to mine for Chromite ore for one year
to Messrs Oakley, Bowden & Co in their
lands. No claim for Compensation now
can arise out of this application finally
disposed of as above stated in 1918 only.

10. In the aforesaid G.O No. G. 11726/
Geol 82-17-5 dated 23-2-1918, it is distinctly
stated that "As the Applicants Messrs.
Oakley Bowden and Co are agreeable to
a temporary license for one year only and
to waive their claim for a Mining lease

thereunder, Govt. are pleased to grant such a license to them as a special case x x x"

So it is clear that Messrs Oakley Bowden & Co. have no right whatever to the Chrome in the lands they occupy, either under the General Revenue Law or under the Rules pertaining to licenses issued in the Geological Department.

11. A narration of how the lands came into the hands of the present occupants, helps us greatly in estimating the compensation to be paid from (1) S. No. 80 (old Survey No 20) of Hullenahally Village was applied for on 20.5.24 by Messrs. Oakley Bowden and Co for occupation "on permanent tenure for cultivation also for stacking Chrome ores the surface" of the land; Laguvali Chit to occupy this assessed land was given on 20.10.24; the Sale Amount was Rs. 20/- besides local fees Cesses on this Amount, — (2) S. No. 18 (old S. No 10) of Bhairapur was applied for by Messrs. Oakley Bowden & Co on 23.3.18 for "License on Kandayam for piece of land Survey No 10 x x x x for one year

M

only as we have permission from Mysore Govt to work for Chrome on these Areas."

Permission requested was given on 29.4.18 but Rs Sayuvali Chit was considered necessary; Rs value was then levied but Kandayan was recovered. On 3.7.18 the Company applied for this land "for our permanent occupation for purposes of Cultivation and stacking Chrome ore". This land (together with S. Nos 19, 20, 21, the corresponding old S. Nos being 11, 12, 13 respectively) was given for cultivation after receipt of upset price, the total Amount being Rs. 457-6-6 inclusive of Local Cess, the Sayuvali Chit being given finally on 17. 4. 1921. (3) S. No. 17 of Bhairapur (old S. No. 9) was in the khata of Biraiah Kempa since 1903-04 and the khata has not been yet transferred. The sale to Mr. Manickavelu Mudaliar took place about 7 or 8 years ago, according to Biraiah's son; the Sub Registrar's Communication shows that this land was sold for Rs. 230 on 15. 3. 1918.

12. The rains in 1926 were favourable except

at the tail end of the cultivation season. So the Kahani Account for 1926-27 represents what must be presumed to be the typical state of cultivation of the lands now proposed to be acquired. The entries from that Account are as hereunder:-

"

Hullenahalli

	S. No	Total Area	Phut Kharab	Rang Area	Kind	Assti Cultivation
(1)	80	13-7	0 2 0	12.27	Dry	12 — Banjar

Bhairapur.

(2)	17	4.2	0-6	3.36	Dry	2.12	Gram 0-12 Jola 0.30 Banjar 2.30
(3)	18	2.38	0-5	2-33	Dry	2 —	Banjar

Note there are missing links (ಕೊಂಡಿ ತಪ್ಪಿದೆ)

(4)	19	18.25	0-15	18-10	Dry.	11 —	Gram 1 — Banjar 17.10
(5)	20	10-15	0-5	10.10	Dry	7.8 —	Gram 2 — Banjar 8.10

Note:- A "Katte" has been built.
(ಕಟ್ಟೆ ಒಂದು ಕಟ್ಟಿದೆ)

(6)	21	11-29	—	11-29	Dry	10 —	Gram 4 — Castor 4.29 Banjar 3 —

Note. Sheds are built-
(ಶೆಡ್ ಒಂದು ಕಟ್ಟಿದೆ)

13. Messrs Oakley Bowden & Co — requested permission "to erect temporary buildings for Managers and Coolies on our working Area" on 4.4.18. Permission was granted on 29.4.18 "to build — temporary sheds, without disfiguring the surface of the ground". These sheds being buildings were liable to be handed over to Govt as soon as the lease for one year

26 granted to Messrs Oakley Bowden & Co in Feby 1918, expired. But as the occupation of the G.L. Dry Continued, Messrs Oakley Bowden & Co Continued to occupy the buildings. The Kotha in L. Dry 20 Bhairabpur (old S.No 12) has been newly built by the Company in order to store water. According to Sec 63(1) Land Revenue Code, the occupant is entitled to " × × × to erect farm buildings & dwelling houses for agriculturists and their labourers, Construct × × × tanks, for the better Cultivation of the land or its more Convenient occupation for the purposes aforesaid". Now the buildings were not built for agricultural purposes; no agriculturist or farm labourers lived there, as is clear from the history of the Cultivation of these lands (Para 12 above) and local enquiry during inspection; And the Kotha was built, it was said — during the inspection by the Shanbhogue & the Patils of the Patel of Bhairabpur, for storing water to wash and treat the remnants of the stacks of Chrome ore that remained after the Currency of the temporary lease for one year granted in

1918 and that are referred in the last sentence of para 2 of G.O No 11726/Revl 82-17-5 d 23.2.1918. So no compensation is to be granted in respect of this Kattu; but though the buildings on S.No. 21, Bheemapur were non-agricultural in purpose, yet it is but fair to pay reasonable compensation in respect of these sheds (thatched & only Bungalow tiled in a small portion with earth and rough stone walls) since Govt take over these erections now.

14. The items mentioned ~~now~~ in para 4 of the Collr's statement will be examined now, both as regards the admissibility of the items themselves and regards the value of the amount shown against each:-

Item a — Value of the lands — Rs. 6408-6

The company obtained the whole area (minus Pubblic Khasra) viz. 5'5a29g. for agricultural purposes for Rs 479-4-6 including cesses. Now, since a Kattu which is useless for the cultivation of these lands (looking at the lie of the lands, the situation and size of the Kattu and the hard rocky structure of the soil in the vicinity) and the build

occupy about 4 acres and the two shafts for mining in the lands occupy about an acre or a little over, the agricultural value of the lands is lowered when compared to ~~their~~ the value at the time of the grants — The estimate now given is out of all proportion to the intrinsic value of the lands. —

Item b. Value of the buildings on the lands — Rs. 2555-2 — The item has to be admitted but the estimate is exorbitant

Item c Value of excavations — Rs. 18,000 The lands being agricultural, the excavations had to be filled up vide Surveyor's letter to the Company No 655 & 29.4.18 in which it is specifically stated that permission is given on the condition that "x x the pits dug for the purpose should be filled in while handing over the plot after the work is completed" — Moreover even in the case of mining leases, the lessee is not at all reimbursed for his excavations at the end of his term of lease. The excavations were made for working the temporary license and the Company profitted by making the excavations. It is not understood why the cost of these should be

L.A. 3/26. 27 (contd.) Ally 17

Charged to Govt. now at this distance of time!

Item d. Value of 1000 tons of chrome ironstone & spoil on the land. – Rs. 5000 – The excess remaining after the expiry of the lease was to be offered to Govt. for first refusal (Vide last sentence of G.O. No 11726/Geol 82-17-5 of 23.2.1918). Besides no Compensation is due to the Company on this account as the Ore is immovable property and is outside the purview of the L.A. Regn. – This ironstone and spoil had moreover become the property of Govt at a date prior to that of acquisition proceedings –

Item e Cost of Preliminary investigation Rs. 3000. This item is wholly inadmissable inasmuch as this formed part of the Companys working their temporary lease. Nothing is allowable under this head.

Item f Roads — 2,500 —. There are no roads on the lands to be acquired, worth the name of roads; No Compensation can be given under this head.

Item g Expenditure incurred for making the land specially & uniquely adaptable

as a base for Winning industry of Chrome ore in the Mysore state Rs. 1500 —. This Item cannot be claimed now. such in the G.O of 23.2.1918. referred to above, the Company have agreed to waive their rights to Mining leases. after the ~~temporary~~ expiry of the temporary license. Moreover by being Trustees in the line, the Company benifitted by their working. and again Govt are not taking over the Chrome Mining business of the Company

Item 4. The Value of Goodwill of the Chrome Mining business arising from the Lands in Question Rs. 60,000.

The Company is not entitled to the Chrome in the Lands at all, Moreover the increase in Value likely to accrue from the use to which it will be put when acquired should not be considered at all during acquisition proceedings (Vide sec 24 fifthly, L.A. Act.)

There is no Chrome business run by the Company on the Lands belonging to the Company and naturally there

is no goodwill for securing which a bargain has to be made now. Besides the Govt will not operate on the Chromite in the lands in the name of, or as successors to the Company. Hence, there is no basis at all for this claim.

15. The estimate of the compensation made just at the time of the declaration of the present acquisition is as hereunder:—

(1) Messrs Oakley Bowden & Co.

	Rs	a	p
a. Value of lands	328	—	—
b —— buildings	100	—	—

(2) Mr. Manickavelu Mudaliar.—

Value of land	20	—	—

The Value of the lands in the case of the Company will have to be fixed at about the price the company paid for the lands when they got the lands from Govt Mines an amount for the lowering in Value as agricultural land owing to Building, Quarrying & constructing a Kattle; in the case of Mr. Manickavelu Mudaliar, he purchased the land when Mr. Sundaramurthi Mudaliar and Messrs Oakley Bowden's Applications were under orders of Govt in February 1918 and from the nature of the circumstances it must be presumed that he paid

vs more than the usual price owing to the competition to get the first possession of the land and the license — The value put on the sheds in the Company's land is not adequate and has to be raised a little.

16. So the compensation that I would fix as having to be paid in the present case is as follows:-

(1) Messrs Oakley Bowden & Co —

a Value of lands —

	a.	g
Total area of cultivable portion taken from Govt.	55	29
Deduct portion now removed uncultivable	5	29
Remaining area	50	—

at 10 Rs an acre — Rs. 500—

b Value of buildings

1 Bungalow tiled & 7 thatched huts	70 Rs	210 Rs. — 280—
Total —		780—
Add 15 P.C for compulsory acqn —		117—
Total —		897—

(2) Mr Manickavelu Mudaliar —

Value of lands —

	Acres	&
Cultivable Area	3 —	36

As this land was in cultivation for a long time, the value per acre is fixed at Rs. forty an acre. —

Rs. 156 — a —

Add 15 P.C for Compulsory acquisition —— 23. 6. 5

Total — Rs. 179. 6. 5

Total of (1) & (2) —— Rs. 1076. 6. 5

17. As regards the capitalised value of assessment to be credited to Rev: Deptt, the matter may be taken up later if it found that, in consequence of these mining operations, the land has been rendered permanently unfit for cultivation. —

18. The Assessment on the lands will have to be written off in due course as the land will be in the possession of Govt in the Geological Department.

Sd. M. Sadasiva Rao
Senior Assistant Commr
& Land acquisition Officer

Copy

Sr. Asstt Commr & L.A.O.

Bill for the amount of Compensation to be paid to the parties for Lands acquired to operate upon the Chromite Mines As per Govt. order No. D. 3850-3/Revl 135-25-31 dated 1.12.1926.

S.A Case No	Village	S. No	Extent acquired	Kind	Person to whom Compensation is to be paid	Amount of compensation inclusive of Statutory allowance		Total
32	Hollimalay	86	12.27	Dry	Mr. Oakley Bowen			
26.27	Bhairapur	18	2.33	Dry	— do —			
	do.	19	18.10	Dry	— do —	500 —		
	do	20	10.10	Dry	— do —			Rs.
	do	21	11.29	Dry	— do —			897 . . .
	do	Tiled buildings & Huts			— do —	280 —		
				Statutory Allowance		117 —		
	Bhairapur	17	3.36	Dry	Mr. Manickavelu Gounden	156 —		179.6.5
				Statutory allowance		23.6.5		
					Grand Total			1076.6.5

Rupees One Thousand and Seventy six annas six and pies five.

Dated Hassan
21 - 2 - 1927

Senior Assistant Land Acquisition Officer
&
Land Acquisition Officer
Hole Narsipur Sub Dr.

Proceedings of the Govt. of H.H.
the Maharaja of Mysore.

Gen. 135-25-39
81.46.

Read -

G.O. No.J.5343-6/Genl. 135-25-39 dated 12th January 1927 directing that the estimated cost of Rs.517-8-0 for the acquisition of lands in the Byrapur and Hullenahalli villages, Channarayapatna Taluk, required for working the Byrapur Chrome Mines be met from the provision of Rs.60,000/- sanctioned as advance for working the above mines.

Award (including 15% for compulsory acquisition) .. Rs ~~1248 14 5~~ 1076-6-5
25 years' assessment on the lands Rs 1156 4 0
Total. Rs 2405 2 5

2. Letter No. ~~A 5~~ - L.A. 1 of 26-27 dated ~~28th January 1927~~ 22.2.27 from the Deputy Commissioner, Hassan, stating that the total cost ~~(including the 25 years' assessment)~~ comes to Rs. ~~2405-2-5~~ 1076-6-5 ~~as per details noted in the margin~~ and requesting sanction of Government to meet the above expenditure from the working advance referred to above.

3-3-27
Approved by Mr Richards

Order No. D 7319-21

Dated: Bangalore, 3/3/ 1927.

Govt. are pleased to approve of the Deputy Commissioner's proposal and direct that the cost of acquisition, etc., amounting to Rs. ~~2405-2-5~~ 1076-6-5 be met from the provision of Rs.60,000/- sanctioned as advance for working the Byrapur Chrome Mines.

2. The amount will be debited to the L.A.O. and the Chief Inspector of Mines will be informed accordingly.

By order,
Sd/- [illegible]
Asst. Secy. to Govt. Dev. Deptts.

To The Deputy Commissioner, Hassan Dist.
The Comptroller to Govt.
The Director of Geology.

ACH.

Proceedings of the Government of His Highness
the Maharaja of Mysore.

----:0:----

R e a d --

Government Order No.D.5343-6/Geol.135-25-39 dated 12th January 1927 directing that the estimated cost of Rs.517-8-0 for the acquisition of lands in the Byrapur and Hullenahalli villages, Chennarayapatna Taluk, required for working the Byrapur Chrome Mines be met from the provision of Rs.60,000/- sanctioned as advance for working the above mines.

2. Correspondence ending with letter No.L.A. 1 of 26-27 dated 24th February 1927 from the Deputy Commissioner, Hassan stating that the total cost comes to Rs.1076-6-5 and requesting sanction of Government to meet the above expenditure from the working advance referred to above.

--:0:--

O r d e r No. D.7319-21/Geol.135-25-46

Dated, Bangalore 3rd March 1927.

Government are pleased to approve of the Deputy Commissioner's proposal and direct that the cost of acquisition etc. amounting to Rs.1,076-6-5 be met from the provision of Rs.60,000/- sanctioned as advance for working the Byrapur Chrome Mines.

2. The Comptroller will make the amount available to the Land Acquisition Officer and Sub Division Officer, Hole-Narsipur, at the Chennarayapatna Taluk Treasury.

Visvanathaiya
for Secretary to Government,
Development Departments.

To

The Deputy Commissioner, Hassan District.
The Comptroller to Government,
The Director of Geology in Mysore.

BRS/5

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Immediate

No 7329 . Dt 4.3.27
Genl.
135-25
R(4).

To

The Dep^{t} Comm^{r} Hassan Dist.

Sir

With refce to correspondence ending with G.O. No. d. 3rd March 1927, directing that the cost of acquisition of certain lands required for working the Byrapur Chrome Area in the Chennarayapatna Taluk, be met from the provision of Rs 60,000/- sanctioned as working advance, I am directed to state that Govt presume that you have already taken possession of the lands under Sec. 16. of the Land Acquisition Regulation. I am now to request you to arrange to hand over possession of the said lands,

WE 2230—GPB—1,00,000—23-7-20

to the Supdt. Bayapur Chrome Mines to enable him to start mining operations without any delay.

I have &c

4/3. Secy D.D.

No D 7330 dt 4.3.27

Copy to Supdt Bayapur Chrome Mines for inform" & immediate necessary action

B.O.

4/3

D 7331 dt 4.3.27

Copies to the Dir of Geol. for inform"

B.O.

4/3

As the mining work is under the management of a Comp", I have suggested that form" may be given to the Supdt of the Mines

4/3 That is all right

4 3